## IN THE SUPERIOR COURT OF THE STATE OF ARIZONA IN AND FOR THE COUNTY OF YUMA

In the Matter of:

REVISION OF CALENDAR
ASSIGNMENTS AND REVISION OF
CASE ASSIGNMENTS FOR THE
SUPERIOR COURT IN YUMA
COUNTY, ARIZONA AS OF
JUNE 24, 2013,

Administrative Order **2013-17** 

This Administrative Order supersedes and takes the place of Administrative Order 2012-28 and 2013-07. (<u>Underlined text indicates changes from previous</u> administrative orders.)

The Superior Court in Yuma County wants to maintain its effective caseflow management system. Case disposition statistics and best practices dictate that in order for the courts to maintain effective disposition of felonies, and to effect timely disposition of all other cases, that assignment of criminal, civil, domestic relations, juvenile, guardianship and conservatorship, probate, mental health, adoption, and other proceedings among the different Divisions/Commissioners of the Yuma County Superior Court be changed consistent with this Administrative Order.

IT IS THEREFORE ORDERED, effective June 24, 2013, and until further order of the Presiding Judge, assignments are made/or remain for the Judges and Commissioners of the Yuma County Superior Court as set forth below:

- (1) Mark Wayne Reeves shall remain assigned to Division One;
- (2) John Paul Plante shall remain assigned to Division Two;
- (3) Larry Kenworthy shall remain assigned to Division Three;
- (4) David M. Haws, shall be assigned to Division Four;
- (5) John N. Nelson shall remain assigned to Division Five;
- (6) Maria Elena Cruz shall remain assigned to Division Six;
- (7) Kathryn Stocking-Tate shall remain assigned as Commissioner One;
- (8) Commissioner Two (unfilled as of the date of the filing of this order);
- (9) Lisa W. Bleich shall remain assigned as Commissioner Three.

IT IS ORDERED effective June 24, 2013, and until further order of the Presiding Judge, the CRIMINAL CASE assignments shall be as follows:

- (1) All pending criminal cases currently assigned to the Honorable Mark

  Wayne Reeves, Division One, shall be reassigned to Commissioner

  Two (unfilled at the time of the filing of this order).
- (2) All pending criminal cases currently assigned to the Honorable Denise

  D. Gaumont, Commissioner Two (retired), shall be reassigned to

  Commissioner Two (unfilled at the time of the filing of this order).
- (3) All criminal cases currently assigned to the Honorable Larry Kenworthy, Division Three, shall continue to be assigned to the Honorable Larry Kenworthy, Division Three.
- (4) All criminal cases currently assigned to the Honorable A. James Clark,

<u>Division Four, shall be reassigned to Commissioner Two (unfilled at the time of the filing of this order).</u>

- (5) All criminal cases currently assigned to the Honorable

  David M. Haws, Commissioner Two, shall be reassigned to the

  Honorable David M. Haws, Division Four.
- (6) All criminal cases currently assigned to the Honorable John N. Nelson, Division Five, shall continue to be assigned to Honorable John N. Nelson, Division Five.
- (7) All criminal cases currently assigned to the Honorable Maria Elena
  Cruz, Division Six, shall continue to be assigned to Honorable Maria
  Elena Cruz, Division Six.
- (8) All criminal cases currently assigned to the Honorable Lisa W. Bleich, Commissioner Three, shall continue to be assigned to the Honorable Lisa W. Bleich, Commissioner Three.

Effective May 7, 2001, all felony criminal complaints filed in justice court were ordered to be assigned to a Superior Court Division on a rotation basis in justice court as set forth in paragraphs numbered (1) and (2) below.

- "(1) The first felony complaint filed on Monday, May 7, 2001 shall be assigned to Division One. Thereafter, each felony complaint filed shall be assigned to the next sequentially numbered Division, e.g., Division Two, then Division Three, then Division Four, and starting over again with Division One.
- (2) Fugitive felony complaints shall not be assigned to a Superior Court Division."

IT IS ORDERED effective June 24, 2013 all felony criminal complaints, including Fugitive felony criminal complaints, shall continue to be assigned on a rotation basis in Justice Court with the division rotation for assignment of Superior Court Cases being, Division Three, Division Four, Division Five, Division Six, Commissioner Two and Commissioner Three.

In April, 2002, the Yuma County Attorney's Office instituted a policy of filing one complaint per defendant in Justice Court which resulted in co-defendants being assigned to separate Superior Court Divisions. In order for co-defendant cases to be assigned to the same Superior Court Division,

IT IS ORDERED that with cases filed beginning June 24, 2013, and until further order of the Presiding Judge, all felony criminal complaints filed in Justice Court shall be assigned to a Superior Court Division as set forth above (Division Three, Division Four, Division Five, Division Six, Commissioner Two, and Commissioner Three), and that co-defendant cases shall continue to be assigned to the same Superior Court Division. In order to facilitate this procedure, the Yuma County Attorney's Office shall continue to file a Notice of Filing Co-Defendant Complaints when filing co-defendant cases in Justice Court.

IT IS ORDERED as to cases filed beginning June 24, 2013, that if a criminal case originates in a manner other than by way of a felony complaint being filed in Justice Court, such as by way of a Direct Indictment, Lower Court Appeal, or Juvenile Transfer, the Clerk of the Superior Court shall assign those cases as follows:

(1) All numbered cases, the last digit of which number is "0", to

Division Four;

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## this order).

IT IS ORDERED, effective June 24, 2013, and until further order of the Presiding Judge, all Arraignments shall continue to be heard by the Honorable Maria Elena Cruz, Division Six, on Mondays commencing at 10:00 a.m., unless the date and time is rescheduled by order of the court.

IT IS ORDERED, effective June 24, 2013, and until further order of the Presiding Judge, all Motions to Review Conditions of Release shall continue to be heard before the assigned Judge/Division.

IT IS ORDERED, effective as of June 24, 2013, all defendants placed into the Yuma County Adult Probation Department's S.A.F.E. program shall continued to be assigned to the Honorable Maria Elena Cruz, Division Six.

IT IS ORDERED, effective as of June 24, 2013, all defendants placed into the MENTAL HEALTH SPECIALTY COURT shall continue to be assigned to the Honorable Lisa W. Bleich, Commissioner Three. Mental Health Court shall be heard on Mondays at 11:00 a.m.

IT IS ORDERED that all pleadings, minute entries, notices and orders filed by an interested party in a Superior Court case shall reflect, immediately beneath the case number, the Division number to which the case has been assigned.

IT IS ORDERED, that all criminal cases in which a defendant was originally sentenced by a judge who is active and sitting as designated in Division One, Division Two, Division Three, Division Four, Division Five and Division Six, or by Commissioner One, Commissioner Two or Commissioner Three, shall continue to be assigned to that judge for all petitions for post-conviction relief proceedings.

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IT ORDERED beginning June 24, 2013, that all criminal cases in which a defendant was originally sentenced by a Judge other than the Honorable Larry Kenworthy, the Honorable David Haws, the Honorable John N. Nelson, the Honorable Maria Elena Cruz, and the Honorable Lisa W. Bleich, shall continue to be assigned to divisions according to the numbering system set forth above. Such assignments shall include, but are not limited to, Petitions for Violation of Probation, Petitions for Restoration of Civil Rights, and Petitions to Modify Probation.

IT IS ORDERED, effective June 24, 2013, and until further order of the Presiding Judge, the administrative duties and responsibilities of calling and impaneling grand juries by the Superior Court in Yuma County, and hearings regarding grand jury presentments shall, in addition to the Presiding Judge, shall continue to be assigned to the Honorable John Paul Plante, Division Two. The Honorable John Paul Plante, Division Two, shall continue to assume the primary assignment of all matters pertaining to a grand jury requiring the attention of a Superior Court Judge in Yuma County.

IT IS ORDERED effective June 24, 2013, and until further order of the Presiding Judge, the regular criminal calendars (other than jury trials) shall be held as follows:

Comm. Two:	Tuesday-8:30 a.m. to Noon and
-	1:30 p.m. to 5:00 p.m. (PVCs/VOPs at 11:00 a.m.)
Division Four:	Wednesday-8:30 a.m. to Noon and
	1:30 p.m. to 5:00 p.m. (PVCs/VOPs at 11:00 a.m.)
Comm. Three:	<b>Wednesday</b> -8:30 a.m. to Noon and 1:30 p.m. to 5:00 p.m. (PVCs/VOPs at 11:00 a.m.)
Division Three:	Thursday-8:30 a.m. to Noon and 1:30 p.m. to 5:00 p.m. (PVCs/VOPs at 11:00 a.m.)

Division Five: Friday-8:30 a.m. to Noon and

1:30 p.m. to 5:00 p.m. (PVCs/VOPs at 11:00 a.m.)

Division Six: Friday-9:30 a.m. to Noon and

1:30 p.m. to 5:00 p.m. (PVCs/VOPs at 11:00 a.m.)

IT IS FURTHER ORDERED, as to cases filed prior to June 24, 2013, and until further order of the Presiding Judge, the CIVIL CASE assignments shall be as follows:

- (1) All civil cases currently assigned to the Honorable John Paul Plante, Division Two, shall remain assigned to the Honorable John Paul Plante, Division Two.
- (2) All civil cases currently assigned to the Honorable Larry Kenworthy, Division Three, shall continue to be assigned to the Honorable Larry Kenworthy, Division Three.
- (3) All civil cases currently assigned to the Honorable David M. Haws,

  Commissioner Two, shall be assigned to the Honorable David M. Haws,

  Division Four.
- (4) All civil cases currently assigned to the Honorable John N. Nelson, Division Five, shall continue to be assigned to the Honorable John N. Nelson, Division Five.

IT IS ORDERED beginning with cases filed June 24, 2013, and until further order of the Presiding Judge, that the Clerk of the Superior Court shall assign civil cases as follows:

- (1) All numbered cases, the last two digits of which number when divided by four (4) result in a remainder of one (1), shall be assigned to Division Five.
- (2) All numbered cases, last two digits of which number when divided by four (4) result in a remainder of two (2), shall be assigned to Division Two.
- (3) All numbered cases, the last two digits of which number when divided by four (4) result in a remainder of three (3), shall be assigned to Division Three.
- (4) All numbered cases, the last two digits of which number when divided by four (4) result in a remainder of zero (0), shall be assigned to Division Four.

IT IS ORDERED that effective June 24, 2013, and until further order of the Presiding Judge, the PROBATE/GUARDIANSHIP CASE assignments shall be assigned as follows:

- (1) All probate/guardianship cases currently assigned to the Honorable A.

  James Clark, Division Four, shall be reassigned to Commissioner Two

  (unfilled at the time of the filing of this order).
- (2) All probate/guardianship cases currently assigned to the Honorable

  John Paul Plante, Division Two, shall continue to be assigned to the

  Honorable John Paul Plante, Division Two.
- (3) All probate/guardianship cases currently assigned to the Honorable

  Larry Kenworthy, Division Three, shall continue to be assigned to the

  Honorable Larry Kenworthy, Division Three.

- (4) All probate/guardianship cases currently assigned to the Honorable
  Lisa W. Bleich, Commissioner Three, shall continue to be assigned to
  the Honorable Lisa W. Bleich, Commissioner Three.
- (5) All probate/guardianship cases currently assigned to the Honorable

  David M. Haws, Commissioner Two, shall be reassigned to the

  Honorable David M. Haws, Division Four.
- (6) All probate/guardianship cases currently assigned to the Honorable John N. Nelson, Division Five, shall continue to be assigned to the Honorable John N. Nelson, Division Five.
- (7) All probate/guardianship cases currently assigned to the Honorable Maria Elena Cruz, Division Six, shall continue to be assigned to the Honorable Maria Elena Cruz, Division Six.

IT IS ORDERED that beginning with cases filed June 24, 2013, and until further order of the Presiding Judge, the PROBATE/GUARDIANSHIP CASE assignments shall be assigned as follows:

- (1) All probate/guardianship cases shall be assigned on a rotation basis to the Honorable Larry Kenworthy, Division Three and to the Honorable,

  David M. Haws, Division Four, with all odd numbered cases being assigned to Division Three and all even numbered cases being assigned to Division Four.
- (2) Any probate/guardianship cases filed prior to June 24, 2013, that come on before the court for hearing or review after June 24, 2013, that are currently not assigned to the Honorable John Paul Plante, the Honorable Larry Kenworthy, the Honorable David M. Haws, the

Honorable Maria Elena Cruz, Commissioner Two (unfilled at the time of the filing of this order), or the Honorable Lisa W. Bleich, shall be automatically assigned on a rotation basis to the Honorable Larry Kenworthy, Division Three and the Honorable David M. Haws, Division Four, with all odd numbered cases being assigned to Division Three and all even numbered cases being assigned to Division Four.

IT IS ORDERED, beginning June 24, 2013, and until further order of the Presiding Judge, the MENTAL HEALTH CASE assignments shall remain as follows:

- (1) All mental health cases filed beginning **June 24, 2013**, shall continue to be assigned to the Honorable John N. Nelson, Division Five, and
- (2) Any mental health cases filed prior to June 24, 2013, that come before the court for hearing or review after June 24, 2013, shall continue to be automatically reassigned to the Honorable John N. Nelson, Division Five.

IT IS ORDERED, beginning June 24, 2013, and until further order of the Presiding Judge, the SEXUALLY VIOLENT PERSON CASE assignments shall continue to be as follows:

- (1) All civil cases where a petition has been filed seeking an order of the court to detain a person as a Sexually Violent Person pursuant to the Sexually Violent Persons Act, ARS §§36-3701 through 36–3716, shall continue to be assigned to the Honorable Larry Kenworthy, Division Three; and
- (2) Any civil cases where a petition has been filed prior to **June 24, 2013**, seeking an order of the court to detain a person as a Sexually Violent

Person pursuant to the Sexually Violent Persons Act, ARS §§36-3701 through 36-3716, that come before the court for hearing or review after **June 24, 2013**, shall continue to be automatically reassigned to the Honorable Larry Kenworthy, Division Three.

IT IS ORDERED that effective June 24, 2013, and until further order of the Presiding Judge, the ADOPTION CASE assignments shall continue to be assigned as follows:

- (1) All adoption cases shall be assigned on a rotation basis to the Honorable Kathryn Stocking-Tate, Commissioner One and to the Honorable Mark Wayne Reeves, Division One, with all odd numbered cases being assigned to the Honorable Kathryn Stocking-Tate, Commissioner One and all even numbered cases being assigned to the Honorable Mark Wayne Reeves, Division One; and
- (2) Any adoption case filed prior to **June 24, 2013**, that comes on before the court for hearing or review after **June 24, 2013**, shall be automatically assigned on a rotation basis to the Honorable Kathryn Stocking-Tate, Commissioner One and the Honorable Mark Wayne Reeves, with all odd numbered cases being assigned to the Honorable Kathryn Stocking-Tate, Commissioner One, and all even numbered cases being assigned to the Honorable Mark Wayne Reeves, Division One.

IT IS ORDERED, beginning June 24, 2013, and until further order of the Presiding Judge, the ELECTION CONTEST assignments shall continue to be as follows:

- All "election contest" cases shall be assigned to the Honorable John N.
   Nelson, Division Five; and
- (2) Division Five of the Superior Court in Yuma County shall be designated the "election division" of the Superior Court in Yuma County.

IT IS ORDERED beginning June 24, 2013, and until further order of the Presiding Judge, DOMESTIC RELATIONS CASES, except Title IV-D cases addressed below, shall be assigned as follows:

- (1) All domestic relations cases filed beginning June 24, 2013, shall continue to be assigned to the Honorable, John Paul Plante, Division Two;
- (2) All domestic relations cases filed prior to June 24, 2013, and currently assigned to the Honorable John Paul Plante, Division Two, shall continue to be assigned to the Honorable, John Paul Plante, Division Two.
- (3) All domestic relations cases filed prior to June 24, 2013, and currently assigned to the Honorable A. James Clark, Division Four, shall be reassigned to Commissioner Two (unfilled at the time of the filing of this order).
- (4) All domestic relations cases filed prior to June 24, 2013, and currently assigned to the Honorable Kathryn Stocking-Tate, Commissioner One, shall be reassigned to Commissioner Two (unfilled at the time of the filing of this order).
- (5) All domestic relations cases filed prior to **June 24, 2013**, and currently assigned to the Honorable Lisa W. Bleich, Commissioner Three, shall

- continue to be assigned to the Honorable Lisa W. Bleich, Commissioner Three.
- (6) All domestic relations cases filed prior to June 24, 2013, and currently assigned to the Honorable David M. Haws, Commissioner Two, shall be reassigned to the Honorable David M. Haws, Division Four.
- (7) All domestic relations cases filed prior to June 24, 2013,

  and currently assigned to the Honorable Denise D. Gaumont,

  Commissioner Two (retired), shall be reassigned to Commissioner Two

  (unfilled at the time of the filing of this order).
- (8) All domestic relation cases filed prior to June 24, 2013, and assigned to the Honorable Larry Kenworthy, Division Three, as of January 1, 2012, or after, shall remain assigned to the Honorable Larry Kenworthy, Division Three.
- (9) All domestic relation cases filed prior to June 24, 2013, and assigned to the Honorable John N. Nelson, Division Five, as of January 1, 2012, or after, shall remain assigned to the Honorable John N. Nelson, Division Five.
- (10) All domestic relations cases filed prior to June 24, 2013, and assigned to the Honorable Maria Elena Cruz, Division Six, as of January 1, 2012, or after, shall remain assigned to the Honorable Maria Elena Cruz, Division Six.
- (11) All domestic relations cases, except Title IV-D cases addressed

  below, filed prior to June 24, 2013, that come on before the court for

  hearing or review after June 24, 2013, which are not

assigned/reassigned to the Honorable John Paul Plante, Division Two, the Honorable Larry Kenworthy, Division Three, the Honorable David M. Haws, Division Four, the Honorable John N. Nelson, Division Five, the Honorable Maria Elena Cruz, Division Six, Commissioner Two (unfilled at the time of the filing of this order) or the Honorable Lisa W. Bleich, Commissioner Three, shall continue to be automatically assigned to the Honorable John Paul Plante, Division Two.

- (12) All Title IV(D) child support actions initiated beginning **June 24, 2013**, by the Arizona Attorney General's Office shall continue to be assigned to the Honorable Kathryn Stocking-Tate, Commissioner One; and
- (13) Any Title IV(D) child support actions initiated prior to June 24, 2013, by the Arizona Attorney General's Office, that come before the court for hearing or review after June 24, 2013, shall continue to be automatically assigned to the Honorable Kathryn Stocking-Tate, Commissioner One; and
- (14) Any Title IV(D) cases assigned as set for above, that come before the court for hearing on some issue other than child support, and are not assigned/reassigned to the Honorable John Paul Plante, Division Two, the Honorable Larry Kenworthy, Division Three, the Honorable David M. Haws, Division Four, the Honorable John N. Nelson, Division Five, the Honorable Maria Elena Cruz, Division Six, Commissioner Two (unfilled at the time of the filling of this order), or the Honorable Lisa W. Bleich, Commissioner Three, shall continue to be automatically assigned to the Honorable John Paul Plante, Division Two for those

contested issues. These hearings would include, but not be limited to, a visitation issue, a custody issue, or a change of custody issue.

IT IS ORDERED beginning June 24, 2013, and until further order of the Presiding Judge, all Title IV(D) child support actions initiated by the Arizona Attorney General's Office shall continue to be heard by the Honorable Kathryn Stocking-Tate, Commissioner One, on Thursdays commencing at 8:30 a.m.

IT IS ORDERED effective June 24, 2013, and until further order of the Presiding Judge, all domestic relations default actions shall be heard by Commissioner Two, on Monday afternoons at 1:30 p.m.

IT IS ORDERED effective June 24, 2013, and until further order of the Presiding Judge, that all cases in the Juvenile Division of the Yuma Superior Court shall continue to be assigned to the Honorable Kathryn Stocking-Tate, Commissioner One, and the Mark Wayne Reeves, Division One.

IT IS ORDERED effective June 24, 2013, and until further order of the

Presiding Judge, that all cases of the Adult Drug Court shall be assigned to

Commissioner Two and Division Six. Commissioner Two Adult Drug Court shall be heard on Fridays at 3:00 p.m. The Honorable Andrew W. Gould, Superior Court

Judge Pro Tem, is assigned to cover Commissioner Two Drug Court until further order of the Court. Division Six Adult Drug Court shall be heard on Mondays at 3:00 p.m.

Notwithstanding the foregoing judicial assignments, during the absence or unavailability of any Superior Court Judge/Commissioner, another Superior Court Judge or Commissioner/Pro Tem may be substituted in his or her place.

IT IS ORDERED that Law and Motion Day shall continue to be the first working day of each week, with proceedings being held on that day unless otherwise set by the Judge assigned to a particular case.

DATED this 21 day of June, 2013.

Honorable John N. Nelson Presiding Judge

Copies to:

Hon, Mark Wayne Reeves, Division One

Hon. John Paul Plante, Division Two

Hon. Larry Kenworthy, Division Three

Hon. David M. Haws, Division Four

Hon. John N. Nelson, Division Five

Hon. Maria Elena Cruz, Division Six

Hon. Kathryn Stocking-Tate, Commissioner One

Hon. Stephen J. Rouff, Superior Court Judge Pro Tem

Hon. Lisa W. Bleich, Commissioner Three

Hon. Andrew W. Gould, Superior court Judge Pro Tem

Hon. Gregory Stewart, First Precinct Justice Court

Hon. Jorge Lozano, Second Precinct Justice Court

Hon. Russ Jones, Third Precinct Justice Court

Hon. Lynn Fazz, Clerk of the Superior Court

Margaret C. Guidero, Court Administrator

Kathy Schaben, Trial Court Administrator

Sandra Hoppough, Chief Adult Probation Officer

Tim Hardy, Director of Juvenile Court Services

Jon Smith, Yuma County Attorney Michael Breeze, Yuma Public Defender

Jose de la Vara, Yuma Legal Defender

Ronald F. Jones, Conflict Administrator

Sherri L. Williams, Caseflow Manager

Yuma County Bar

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